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PATENT APPLICATION  
Attorney's Docket No.: OSA96-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Clifford Heath, Graeme Port, Steven Klos and Graeme Greenhill

Application No.: 08/707,622

Group: 2764

Filed: September 5, 1996

Examiner: M. Smithers

For: Systems and Methods for Automatic Application Version Upgrading and Maintenance

**CERTIFICATE OF MAILING**

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**DRAFT**

REPLY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In the Office Action dated February 16, 1999, all claims were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent to Kullick et al. and Brichta et al., alone or in combination with Cole et al., Arnold et al., Guarneri et al., Moore, Butts et al., Kikinis and/or de Hond. The rejections are respectfully traversed and reconsideration is requested.

The invention is directed to a method and system for updating application program components on a client through a network. In the preferred embodiment, the client includes a program which performs all update processing, the server system only being required to download files. Specifically, a client which is to update the application program components first downloads a catalog file from the server. The catalog file identifies the most recent versions of the program components as well as the network addresses where those components are stored.

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The program in the client then compares the version identifications in the catalog file with versions then on the client and, where a new version is required, downloads the new version from the network address indicated in the catalog file. In the preferred implementation, the updating program is a launcher program which serves as a proxy to update the application program when a user selects the application program for execution.

Since all processing is performed at the client, the server need only make available the catalog files and application program components for standard file transfer. No proprietary software is required on the server, and the required catalog and component files can be stored on any file server accessible to the client. Further, the only communications required between the client and the server are to first download the catalog file and to subsequently download any required components.

Of the references cited, only Kullick et al. and Cole et al. relate to the update of software programs on a client. Cole et al. was discussed in detail and distinguished in the last response.

In Kullick et al., the management program on the client "checks the shared memory area 14 to determine whether an upgrade version is present, and if so whether that version is more recent than the newest version of the application stored in the local memory 16. If so, the management program downloads a copy of the most recent version to the memory 16 of the client computer . . . . Of particular significance, control of the updating procedure takes place from within the client computer itself, so that no external mechanisms are required to implement the automatic updating function." (Column 4, lines 6-19.) Kullick et al. does not indicate how the client determines whether an upgrade version is present. However, as noted by the Examiner, Kullick et al. fails to disclose a catalog of components with the version identification. Kullick et al. is apparently unable to distinguish between entire program versions and versions of components of programs. Accordingly, it would be necessary to download an entire program even if the only changes from an earlier version were in a small component of the overall program.

In accordance with the present invention, the updating process is carried out only after the client has downloaded a catalog for the identified application program. The client compares the version identifications of the components maintained on the server, indicated in the catalog, and of the components maintained on the client. Then, only the selected components need be downloaded by the client.

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Brichta et al. has been cited for the showing of "the use of a catalog data base upgrade system which is capable of adding and modifying items in the data base." However, Brichta et al. has nothing to do with updating programs stored on a client in a network. Rather, Brichta et al. is concerned with catalogs in general, such as inventory catalogs, and with updating the catalogs themselves. There is no suggestion in either Kullick et al. or Brichta et al. that a catalog, and in particular a program component catalog, would be useful in providing a more efficient program updating process.

The various dependent claims in the present application are directed to specific features which are advantageously used in the updating of programming components using a component catalog downloaded to a client. Since none of the references teach that aspect of the invention, none of the cited references, which are generally unrelated to either program updating or to catalogs, can be said to teach the features of the dependent claims.

#### CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

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